

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

<b>RLI INSURANCE COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 5:18-cv-00066</b>
	)	
<b>NEXUS SERVICES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**RESPONSE OF THE NON-PARTY ENTITIES TO ORDER TO RESPOND (ECF 761)**

Now Come before this Court once again the Non-Party Entities, and offers the following in Response to the Order of the Court (ECF 761) and to the Order of United States Magistrate Judge Joel C. Hoppe (ECF 733) on the Plaintiff/Judgment Creditor's several Motions pertaining to post-Judgment discovery.

The Entities note that at the hearing of this matter on February 25, 2022, the three named principals (Donovan, Ajin, Moore) of the Defendants were present as ordered. The Entities further confirm that they did send notification, and produce additional, substantive and relevant documents to Plaintiff/Judgment Creditor on September 1-2, 2021 as represented to Magistrate Judge Hoppe (ECF 733, at 37, "Assuming that the Entities did, in fact produce such documents to RLI, this appears to constitute a partial response to RLI's fifth subpoena request."), as shown in the attached Exhibit 1-2 to this Response. Entlest Brands also produced a cache of email communications between it and the Defendants/Entities, Ex. 3 to this Response. Since such production by the Entities, the Plaintiff has not inquired further of the Entities and Entlest Brands as to such documents and matters.

Moreover, the Entities also note that their submission at ECF 738-1, Paragraphs 10-14 note that the Egnyte database carrying multiple financial and accounting records compilations and information was made available to RLI's Counsel (Vandeventer Black) earlier in 2021 and continuously thereafter, yet RLI has not acknowledged the wealth of information available in that database in its recent submissions to the Court.

The Entities ask that the Court note the sincere efforts at compliance by the Non-Party Entities and Entlest Brands, as well as the low priority that the Plaintiffs have placed on following up with the responses provided by such Entities to date. The Entities contend that they continue to make good faith efforts at compliance, and accordingly, a monetary penalty and sanction of the amounts suggested by the Magistrate Judge will be excessive, and likely will result in irreparable financial harm to such Entities. Defendants ask that they be permitted to continue to produce responsive documents and Answers as such information becomes available to them, and that any sanction be held in abeyance.

Respectfully submitted,

/s/Christopher M. Okay

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*Counsel for the Non-Party Entities*

**CERTIFICATE OF SERVICE**

I hereby certify that this 4th day of March, 2021, a copy of the foregoing was filed by  
ECF, which will send notice of the filing of such process correctly addressed to:

Dustin Paul  
Jennifer Eaton  
Vandeventer and Black

Collections Counsel for the Plaintiff

/s/ Christopher M. Okay  
Christopher M. Okay